

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* I. GROENEVELD, Minor.

UNPUBLISHED  
November 17, 2015

No. 327517  
Branch Circuit Court  
Family Division  
LC No. 14-005027-NA

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Before: JANSEN, P.J., and MURPHY and RIORDAN, JJ.

PER CURIAM.

Respondent mother appeals as of right the order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist) and (g) (failure to provide proper care and custody). We affirm.

The minor child was removed from respondent mother and respondent father's custody on January 21, 2014, after a medical examination revealed that she had injuries indicative of physical abuse. In August or September 2014, respondent father moved to another city and thereafter provided no support to the child or respondent mother. Respondent mother then entered into a series of relationships with men. She failed to reveal these relationships to the Department of Health and Human Services ("DHHS"), which prevented DHHS from performing background checks on the men to determine whether they posed a risk of harm to the child. The trial court terminated respondent mother's parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g), and respondent father's parental rights to the minor child under MCL 712A.19b(3)(a)(ii) (desertion), (c)(i), (g), and (j) (reasonable likelihood that child will be harmed if returned to parent).

Respondent mother first argues that the trial court erred when it found that the statutory grounds in MCL 712A.19b(3)(c)(i) and (g) were established by clear and convincing evidence. We disagree.

We review a trial court's findings of fact and ultimate determination regarding the statutory grounds for termination for clear error. *In re White*, 303 Mich App 701, 709; 846 NW2d 61 (2014). "The trial court's factual findings are clearly erroneous if the evidence supports them, but we are definitely and firmly convinced that it made a mistake." *Id.* at 709-710.

"In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been

met.” *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). If this Court concludes that the trial court did not clearly err in finding one statutory ground for termination, this Court does not need to address the additional grounds. *In re HRC*, 286 Mich App 444, 461; 781 NW2d 105 (2009).

MCL 712A.19b(3)(c)(i) provides that the trial court may terminate a respondent’s parental rights if the court finds by clear and convincing evidence that 182 days or more have elapsed since the initial dispositional order was issued and that “[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child’s age.” Termination of parental rights is proper under MCL 712A.19b(3)(c)(i) where “the totality of the evidence amply supports that [the respondent] had not accomplished any meaningful change in the conditions” that led to the adjudication and would not be able to rectify those conditions within a reasonable time considering the child’s age. *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009).

The trial court entered the order of disposition on May 8, 2014. The termination hearing was held on May 1, 2015. Therefore, more than 182 days elapsed between the issuance of the initial disposition order and the termination hearing. See MCL 712A.19b(3)(c)(i). The conditions that led to the adjudication with regard to respondent mother included the child’s injuries indicating abuse, respondent mother’s tendency to remain in abusive relationships and believe an abusive partner, and respondent mother’s action in allowing the child to sleep in bed with her and respondent father.

Respondent mother failed to rectify the conditions because she failed to protect the child from abusive men and would not provide the child such protection within a reasonable time. Evidence of physical abuse was a reason for the child’s removal and for the trial court taking jurisdiction over her. Respondent mother testified at the termination hearing that she believed that respondent father caused the child’s injuries that led to adjudication. The psychological report of respondent father indicated that respondent father tended to be belligerent and angry, did not appreciate the severity of the child’s injuries, and was prone to coercive discipline. The psychologist recommended that respondent father’s contact with the minor child be strictly supervised. However, despite evidence of respondent father’s abusive and psychotic behavior, respondent mother continued to live with him until he moved to Zeeland in August 2014 or September 2014.

After respondent mother’s relationship with respondent father ended, she began a relationship with a man named Michael Seats without informing DHHS so that it could perform a background check on him to determine whether he presented a risk to the minor child. Respondent mother later began a relationship with a man named Michael Curry, and she did not inform DHHS. Then, respondent mother started a relationship with a man named Christopher Schmidt. Respondent mother tried to hide the fact that she knew Schmidt from DHHS, and she continued her relationship with him even after she learned that he was not suitable for the child to be around and that the relationship could hinder her ability for reunification with the minor child. Moreover, respondent mother refused to end her relationship with Schmidt after his violent behavior during a March 9, 2015 meeting with DHHS workers. When DHHS informed mother that remaining with Schmidt would reduce her chances of having the child returned, respondent mother chose to remain with Schmidt and told DHHS workers “that it was her

business who she was with.” Evidence was presented that respondent mother remained in a relationship with Schmidt even at the time of the termination hearing. Because respondent mother persisted in these relationships and lied repeatedly about them throughout the proceedings from January 2014 to May 2015, the evidence supports the trial court’s finding that respondent mother would not, within a reasonable time considering the child’s age, refrain entering into relationships with men who put the child at risk of harm. Therefore, the trial court did not clearly err in finding that termination was proper under MCL 712A.19b(3)(c)(i). See *In re VanDalen*, 293 Mich App at 139.

The trial court also properly terminated respondent mother’s parental rights under MCL 712A.19b(3)(g). MCL 712A.19b(3)(g) provides that the trial court may terminate a respondent’s parental rights if it finds by clear and convincing evidence that “[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child’s age.” The parent’s failure to provide suitable housing and failure to protect a child from abuse may constitute grounds for termination under MCL 712A.19b(3)(g). *In re Trejo*, 462 Mich 341, 362-363; 612 NW2d 407 (2000); *In re White*, 303 Mich App at 712-713; *In re Laster*, 303 Mich App 485, 493-494; 845 NW2d 540 (2013).

After the minor child was removed, respondent mother moved into her mother’s house. Despite services implemented to help respondent mother obtain suitable housing, she was unable to do so. At the time of the termination hearing, she was living in a motel, which she admitted was unsuitable for the minor child. Respondent was unable to provide DHHS with proof that she had saved any money. Although she testified during the termination hearing that she saved \$600, she later explained that she used the money to pay off debts. And, in light of the length of the proceeding and her chronic financial difficulties, the evidence supported that there was no reasonable expectation that she would be able to provide the minor child with suitable housing in a reasonable time.

In addition, as discussed above, respondent mother repeatedly engaged in relationships with men that placed the minor child at risk, and she did not take measures to ensure that the men posed no risk. Even after learning of the danger the men presented to the minor child, respondent mother chose to continue the relationships. For example, respondent mother’s most recent boyfriend had a criminal history and had his rights to two of his own children terminated. During a meeting with DHHS, the purpose of which was to allow him to explain his history and terminations, he became enraged at the questions being asked. He yelled curse words at the DHHS agent and physically threatened her. DHHS told respondent mother that she needed to terminate her relationship with him or risk not having the minor child returned, but she did not terminate the relationship. Evidence suggests that she remained in a relationship with him even at the time of the termination hearing. Thus, the evidence indicates that respondent mother continually placed her relationships with men above the minor child’s safety, and given the length of the proceeding and respondent mother’s lack of benefit from counseling, there was no likelihood that she would rectify this problem within a reasonable time. In sum, we conclude that the trial court did not clearly err in terminating her rights under MCL 712A.19b(3)(g). See *In re VanDalen*, 293 Mich App at 139.

Respondent next argues that the trial court erred when it found that termination was in the best interests of the child. We disagree.

“The trial court must order the parent’s rights terminated if the Department has established a statutory ground for termination by clear and convincing evidence and it finds from a preponderance of the evidence on the whole record that termination is in the [child’s] best interests.” *In re White*, 303 Mich App at 713. We review the trial court’s best-interest determination for clear error. *Id.*

The trial court did not clearly err in finding that termination of respondent mother’s rights was in the minor child’s best interests. When considering best interests, the focus is on the child rather than the parent. *In re Moss*, 301 Mich App 76, 87; 836 NW2d 182 (2013). The trial court should consider all available evidence to determine the child’s best interests, *In re Trejo*, 462 Mich at 349 n 6, and may consider such factors as “the child’s bond to the parent, the parent’s parenting ability, the child’s need for permanency, stability, and finality, and the advantages of a foster home over the parent’s home,” *In re Olive/Metts*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012) (citations omitted).

The trial court found that termination was in the child’s best interests because respondent mother placed her personal relationships above the child’s safety and because respondent mother was living in a motel at the time of termination. As discussed above, evidence supports that the minor child would not be safe in respondent mother’s custody because of respondent mother’s continuous practice of engaging in relationships with men who posed a risk of harm to the child. See *In re White*, 303 Mich App at 714. Further, the record did not support that respondent mother had a bond with the minor child. The child was removed from respondent mother shortly after her birth, and during the lengthy proceeding there were periods when respondent mother had no visitation. Additionally, respondent mother’s refusal to terminate relationships with men who were inappropriate for the child to be around indicates that respondent mother did not make the child a priority. Furthermore, respondent mother’s failure to provide suitable housing also supported the trial court’s decision since it indicates that respondent mother would not be able to provide the child with permanence or stability. See *In re Laster*, 303 Mich App at 496. Finally, the child was doing well in foster care and had her needs provided. See *In re Olive/Metts*, 297 Mich App at 41-42. Therefore, the trial court did not clearly err in finding that termination was in the minor child’s best interests. See *In re Moss*, 301 Mich App at 80.

Affirmed.

/s/ Kathleen Jansen  
/s/ William B. Murphy  
/s/ Michael J. Riordan